



Montgomery County Council

From the office of Councilmember Tom Perez

News Release

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**Statement of Council President Tom Perez
On Measures to Restore Public Confidence in the Planning Process
Following Problems in the Clarksburg Town Center**

"We are here today to continue the process of restoring the credibility of and confidence in our county government's processes for regulating development. There are significant problems in Clarksburg, and we must find out what went wrong and why, and come up with comprehensive solutions to the problems.

"We must also look beyond Clarksburg to the development review process throughout the county. We must and will determine whether Clarksburg represents an isolated incident, or is the tip of the iceberg. I welcome the reviews underway from OLO, the IG, and the State Attorney General's office. I am confident they will help us get to the bottom of things. Once these reviews are completed, I fully intend to ensure that we enlist the services of additional independent experts who will help us fix the problem.

"We are not here today to play the blame game, and to point fingers at each other. Finger-pointing will not restore public confidence. The Planning Commission, the Department of Permitting Services, some builders and developers, Doug Duncan, the County Council. We are all accountable for this problem, and to the Clarksburg community, and to others in the county who are watching events unfold, let me say that I am sorry that we did not get a handle on this problem earlier. I apologize. You have our undivided attention, and I expect that we will expend

hundreds of hours in the coming months learning about what went wrong and why, and fixing the problem.

“We are not here today to talk about the OLO review, the IG investigation, or the inquiry underway at the State AG’s office.

“Instead, we are here to discuss a very important short term issue. Today’s conversation is about the short term, not the long term. Specifically, we are here to discuss what measures have been and should be put in place during the pendency of the various reviews to ensure the integrity of the development review process.

“We all agree that a critical step in restoring public confidence in the planning process is to ensure that we take aggressive, appropriate measures in the short term that are useful and responsive to the problems. We must also ensure that the short term measures are proportionate, and we must work hard to implement short term solutions that do not represent an overreaction to the problem, and we must work hard to minimize the collateral damage to innocent third parties.

“We have a crisis of confidence in our development review and implementation processes. We also have a housing crisis. In the short term, the crisis of confidence trumps the housing crisis in my judgment. The building process is going to slow down in my judgment. In some cases, it will slow down considerably. But we must attempt to put in place a series of short term measures that will restore the integrity of the process, but will do so in a surgical manner, and not through the use of a meat ax.

“In recent weeks, my colleagues and I, as well as many others in county government, have spent considerable time on this issue. I have met with all the stakeholders a number of times, and will continue to do so. Later today, we will debate a bill introduced by Councilmember Subin and others that addresses what to do in the short term. Before we debate that bill, I believe it is important to understand what measures we have already put in place in the short term to stabilize the situation. I have distributed to council members a memo outlining approximately a dozen measures that have been taken to stabilize the situation, and I would like to take a few moments to discuss these measures.

“In light of the measures that have already been put in place, a critical question that I look forward to discussing with my colleagues this afternoon is whether this bill is necessary. We will have ample time to discuss the issue this afternoon. As for now, we look forward to learning more from the briefing this morning.”

Short Term Measures Undertaken During the Pendency of the Various Reviews of the Development Review and Implementation Process in Montgomery County

- No new building permits will be issued in Clarksburg Town Center development until further notice.
- All requests to amend site plans in Clarksburg will be held in abeyance pending the results of the reviews of what went wrong in Clarksburg and elsewhere.
- The Department of Permitting Services, Department of Public Works and Transportation, and the Planning Board will review the road infrastructure within the Clarksburg Town Center, and will provide the Council with a report by August 15, 2005 regarding the status of the implementation of the provisions of the Clarksburg Town Center site plans pertaining to road infrastructure, including recommendations for ensuring that the necessary road infrastructure is in place in a timely fashion.
- A countywide freeze on issuance of Building Permits in site plan zones (residential and commercial) is in place until height limit and setback requirements can be verified.
- Almost 200 building permit applications (residential and commercial) are currently pending with county authorities. No permits will be issued until developer/builder resubmits site plans that disclose height and setback calculations. Department of Permitting Services and the Planning Board will be required to verify the setback and height restrictions spelled out in the site plan approvals.

- Any application seeking approval that makes use of the term “story” to describe the height of the structure, instead of indicating height by actual measurement of the building will be rejected.
- There will be an immediate review of site plans approved throughout Montgomery County after January 1, 2003 to ensure that work being done is in accordance with the specifications of the approved plans. Planning Board and Department of Permitting Services have authority to immediately suspend development in any site plan where violations are uncovered.
- Park and Planning mid-level personnel may no longer approve “administrative” or so-called minor amendments to site plans in Montgomery County. The Director of Park and Planning must personally approve each and every amendment to a site plan.
- The Department of Permitting Services and the Planning Board will submit to the County Council by July 30, 2005 a staffing plan to increase the number of personnel dedicated to site plan and other enforcement duties. The resources for additional personnel will come from increased fees on developers and builders, not from taxpayer funded sources.
- Existing personnel within the Department of Permitting Services and the Planning Board will be immediately re-deployed to perform site plan inspection functions.
- The Department of Permitting Services and the Planning Board will immediately begin the process of recruiting additional, qualified personnel to perform enforcement functions within the two agencies.
- The builders and developers involved in the proceeding pending before the Planning Board pertaining to the Clarksburg Town Center development have agreed to the community’s request that the Planning Board investigate and adjudicate **all** allegations of violations prior to adjudication of the sanctions. In other words, the community has requested that the Planning Commission peel the Clarksburg Town Center onion to its core before deciding on any sanctions, and the developers and builders have now agreed to join in this request. # # #